

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
DECEMBER 2, 2014**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood and Commissioner Philip Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**Frederick Drive**

*Staff Recommendation: Continue*

**Present in Interest: Steve Cooper and Bill MacLeod**

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by F. Mark and Phillip W. D'Annolfo under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland area at **Frederick Drive.**

Agent Cleary presented this to the Commission. The filing is complete under both the WPA and By-Law. The A and B flag series are still valid under another approval. This is a difficult site due to the roadway as started 40 years ago, the vegetation and vast amount of disturbance. The flagging issues need to be resolved and staff recommends a peer review be done. The peer review will determine if the isolated wetland meets the criteria under the By-Law and verification of the other wetlands.

Bill MacLeod presented the project to the Commission. The land has been owned by the family for over 50 years. The perk test requirements changed which is why the subdivision stalled. The isolated wetland was created from rain and water gathering on the roadway which was cut in. Sewer connection is now available for the projected lots.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to approve the peer review and continue to January 6, 2015; it was seconded by Commissioner Townson and unanimously approved.

## **244 South Main Street**

*Staff Recommendation: Continue*

**Present in Interest: Julia Childs, Tom Childs, and Brian Butler**

Public Hearing on a Notice of Intent filed by Thomas Childs under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed restoration of an ornamental pond at **244 South Main Street**.

Mr. Douglas presented these to the Commission. The filing is to do work within a resource area, which is dredging of a pond. The project will improve the overall health of the waterway and will result in no net loss of wetlands.

Brian Butler presented the project to the Commission. The work is within a jurisdictional stream which is tributary to Rogers Brook. The Applicant would like to remove the sediment on the bottom to restore the pond to its original state. There will be no stockpiling on site as the sediment will be hauled off site in a sealed dump truck. Rip rap will be used on the lawn to avoid wear and tear on the lawn until the project is complete. Dewatering will be done with a by-pass and pump off site. There will be no loss of resource area and the post conditions will be the same as the preconstruction conditions.

Commissioner Driscoll inquired if there should be testing of the soils from the pond for toxins. Commissioner Honea asked if there would be any permanent structures placed in the pond. Slab rocks will be placed to define the bank and walking area, but no structures and no change in the outlet.

Commissioner Driscoll inquired about the 25' non-disturbance setback. This has been historically lawn for about 30 years and no pesticides have been used or will be used in the future.

Commissioner Honea expressed his concern that the water moves and takes some of the sediment with it and the water will only move faster if the sediment is removed but not necessarily be cleaner.

This is under review by DEP. The Commission scheduled a site visit for December 20<sup>th</sup> at 8:00am and will have a peer review done.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to continue to January 6, 2015 for a site visit, peer review and DEP comments; it was seconded by Commissioner Townson and unanimously approved.

## **55 Harold Parker Road**

*Staff Recommendation: Continue*

**Present in Interest: Bernie Paquin, Vicka Corey**

Public Hearing on a Notice of Intent filed by Vicka Rael Corey under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a fabric structure at **55 Harold Parker Road**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA and By-Law. The site contains Riverfront, Land Subject to Flooding and Bordering Vegetated Wetland. The inner 100 foot riparian zone will remain undisturbed with a small portion of the existing driveway within this area. All proposed work is within the outer 100 foot riparian zone and meets all By-Law setbacks. Non-disturb bounds will be placed 25 feet from the BVW, the inner riparian or the flood plain line and along the edge of the driveway where a small portion encroaches into the 100 foot riparian. The structure will be built on sona tubes and is greater than 500 square feet which means it will require a building permit. Some clearing and grading is necessary in the 200 foot outer riparian. Staff recommends replication along the driveway, but it is not required.

Bernie Paquin presented the project to the Commission. The building will resemble the structure of the salt sheds along the highway. The wetland changes are shown on the plan provided with the structure being 55 feet from the BVW. Some grading will be necessary to make the area flat for the structure. He also mentioned that it was possible to move the structure up and put in a retaining wall to eliminate the disturbance within the Riverfront and then no replication will be needed.

Commissioner Greenwood asked about the maintenance of the manure on site and asked that it not be stockpiled on site to avoid seeping into the Skug River. Either a compost pile will be established on site or a removal service will be contracted.

Commissioner Sutherland inquired about electrical and plumbing services.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to continue to January 6, 2015 for a revised plan; it was seconded by Commissioner Townson and unanimously approved.

## **Lot 2, Fraser Drive**

*Staff Recommendation: Close Public Hearing and Issue Order of Conditions*

**Present in Interest: Matt Ireland and Matt Hamor**

Continued Public Hearing on a Notice of Intent filed by Belvidere Hill Group, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling, septic system and driveway at **Lot 2, Fraser Drive**.

Mr. Douglas presented this to the Commission. The project meets all our setbacks. DEP has not commented in over a month. Non-disturb marker to be installed on site prior to the commencement of work.

Chairman Porter asked for a Motion. Commissioner Driscoll made a Motion to close the Public Hearing and issue the Order of Conditions; it was seconded by Commissioner Greenwood and unanimously approved.

### **ACTION ITEMS:**

#### **The Legends Phase 1, Muirfield Circle and Crenshaw Lane**

#### **The Legends Phase II, Crenshaw Lane**

*Staff Recommendation: Approve Extension and Temporary Cessation of Reporting.*

#### **Present in Interest: Bob Golledge**

Request for 3 year extension to the Amended Order of Conditions issued on July 20, 2012 and request for Temporary Cessation of Reporting at **The Legends Phase 1, Muirfield Circle and Crenshaw Lane and The Legends Phase II, Crenshaw Lane.**

The sites are stabilized and construction has stopped for the winter months.

Commissioner Driscoll made a Motion to approve the 3 year extension and temporary cessation of reporting; it was seconded by Commissioner Honea and unanimously approved.

#### **3 Manning Way**

*Staff Recommendation: Approve*

Request for 2 year extension to the Order of Conditions issued on August 18, 2009 at **3 Manning Way.**

Commissioner Honea made a Motion to approve the 2 year extension; it was seconded by Commissioner Townson and unanimously approved.

#### **85 Porter Road**

*Staff Recommendation: Approve.*

Request for Finding of Significance for a smaller dwelling footprint, geothermal wells, irrigation system and limits of sod and seeding at **85 Porter Road.**

Commissioner Honea made a Motion to find the changes Insignificant; it was seconded by Commissioner Driscoll and unanimously approved.

#### **232 River Road**

*Staff Recommendation: Approve.*

Request for temporary cessation of site monitoring.

Commissioner Honea made a Motion to approve the temporary cessation of reporting; it was seconded by Commissioner Driscoll and unanimously approved.

## **CONSENT AGENDA:**

### **Minutes**

Approval of minutes from November 18, 2014.

### **8 Peach Tree Path**

Issuance of a Satisfactory Completion of Work Certificate.

### **5 Courtney Lane**

Issuance of a Certificate of Compliance. **Tabled.**

### **16 County Road**

Issuance of a Certificate of Compliance.

### **4 Willoughby Lane**

Issuance of a Certificate of Compliance.

### **4 Bancroft Road**

Issuance of a Certificate of Compliance. **Tabled.**

Work done not in compliance with OOC issued. Must be brought into compliance prior to the sale of the property.

### **Fraser Drive**

Issuance of a Partial Certificate of Compliance.

Commissioner Townson made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

## **LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

### **11 Whittemore Terrace**

Discussion regarding new Merrimack River Watershed Council Park and parking. **Withdrawn.**

### **Overseer Nomination**

Chairman Porter provided the names of reappointments and new appointments as Overseers. Commissioner Driscoll made a Motion to appoint and reappoint the Overseers nominated; it was seconded by Commissioner Townson and unanimously approved.

### **Streamline Permitting Report**

Streamline Permitting Report from CD&P. **Tabled.**

**146 Dascomb Road**

**Present in Interest: Salvatore Lupoli, Rich Friberg, Curt Young, Joe Bevilacqua, Alan Lampert and Mitch Keamy**

Informal discussion regarding proposed development at 146 Dascomb Road and roadway improvements at Dascomb Road.

Access to the property is an issue that needs to be addressed. Under the current conditions, Dascomb Road is undersized for the volume of traffic and would need to be widened. The widening of Dascomb Road would be work within a jurisdictional stream and disturb the wetlands and BVW existing along the side of the roadway. The width of the roadway would be determined by MA DOT and the Planning Board.

The proposal would be to extend the culvert under Dascomb Road and Smith Way for the intermittent stream which is tributary to the Shawsheen watershed. The total disturbance to the wetland area will be between 2,000 and 4,000 square feet. Mitigation is proposed in the rear of the property around another intermittent stream tributary to the Shawsheen watershed. There will be 8,000 square feet of replication for at least a 2:1 replication. This area has better hydrology and is more isolated from human activity than if replicated along the roadway. The area along the roadway is an originally disturbed and degraded area which is already culverted with minimal wildlife value.

Agent Cleary recommended a peer review before the filing due to the high velocity of the flow from the culverted intermittent stream.

The Commission entered into Executive Session to discuss land acquisition and will not return to open session

**The next meeting will be held December 16 at 7:45pm.**

**The meeting was adjourned at 10:35 pm by Motion of Commissioner Townson and seconded by Commissioner Greenwood and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**